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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

Y THI NHU LE AND BEN VAN PHAN,

Defendants.

Case No.: 2:23-CR-00188 WBS

STIPULATION AND ORDER TO
CONTINUE STATUS CONFERENCE

REQUESTED DATE: NOVEMBER 25, 2024
TIME: 9:00 A.M.
JUDGE: HON. WILLIAM B. SHUBB

STIPULATION

Plaintiff, United States of America, by and through its counsel of record, Heiko P. Coppola, and
Defendants Y Thi Nhu Le, by and through her counsel of record, Timote Tuitavuki, and Ben Van
Phan, by and through his counsel of record, Mary Ann F. Bird, (collectively, the “parties”)
hereby stipulate as follows:

1. By previous order, this matter was set for status conference on August 19, 2024 at 9:00
a.m. and time was ordered excluded in the interest of justice.
2. By this stipulation, the defendants hereby move to continue the status conference to
November 25, 2024 at 9:00 am because counsel for the defendants need additional time
to prepare for trial. Specifically, defense counsel need the additional time to continue

1 reviewing the voluminous discovery provided by the United States, to consult with their
2 clients, to perform legal research, to investigate and otherwise prepare for trial.

3 3. Counsel for the defendants believe that failure to grant the above requested continuance
4 would deny them the reasonable time necessary for effective preparation, taking into
5 account the exercise of due diligence, The Government does not object to the
6 continuance.

7
8 4. Based on the above stated findings, the ends of justice served by continuing the case as
9 requested outweigh the interest of the public and the defendants in a trial within the
10 original dates prescribed by the Speedy Trial Act.

11
12 5. For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. section 3161, et
13 seq, within which trial must commence, the time period of August 19, 2024 to November
14 25, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. 3161(h)(7)(A),
15 B(iv)[Local Code T4], because it results from a continuance granted by the Court at the
16 defendants' request on the basis of the Court's findings that the ends of justice served by
17 taking such action outweigh the best interest of the public and the defendant in a speedy
18 trial.

19
20 6. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period
22 within which a trial must commence.
23

24 IT IS SO STIPULATED.

25 Dated: August 12, 2024

Respectfully submitted,

PHILLIP A. TALBERT
United States Attorney

26
27 BY: /s/ HEIKO P. COPPOLA
HEIKO P. COPPOLA
28 Assistant United States Attorney

1 Dated: August 12, 2024

_____/s/TIMOTE FAKAOFO TUITAVUKI_____
TIMOTE FAKAOFO TUITAVUKI
Attorney for Y Thi Nhu Le

4 Dated: August 12, 2024

_____/s/ MARY ANN F. BIRD_____
MARY ANN F. BIRD
Attorney for Ben Van Phan

9
10 **FINDINGS AND ORDER**

11 The matter having come before the Court and for good cause appearing,

12 The Court hereby continues the status conference hearing to November 25, 2024 at 9:00
13 A.M. Time is excluded under the Speedy Trial Act from August 19, 2024 up to and including
14 November 25, 2024 pursuant to 18 U.S.C. 3161(h)(7)(A), B(iv)[Local Code T4] . The ends of
15 justice outweigh the best interests of the public and the defendants in a speedy trial.
16

17 IT IS SO ORDERED.

18 DATE: August 15, 2024.

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20 

CHIEF UNITED STATES DISTRICT JUDGE